

NO. 24-0753-C

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,
Defendants.

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IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

TO THE HONORABLE JUDGE:

COMES NOW Plaintiff, La Ventana Ranch Owners Association, Inc. (hereinafter “*Plaintiff*”) seeking summary judgment against Defendants Jakob Skelton and Stephanie Chang a/k/a Stephanie Skelton (collectively, “*Defendants*”), on Plaintiff’s causes of action, pursuant to Rule 166a of the Texas Rules of Civil Procedure. The summary judgment records consist of the pleadings of the parties; *Affidavit of Michael C. Evans*; *Affidavit of Adam Pugh*; and corresponding exhibits all attached hereto, which established and admit all relevant facts.

I.

Factual and Procedural History

Defendants are the owners of that certain real property legally described as LOT 501, OF LA VENTANA, PHASE 6, A SUBDIVISION IN HAYS COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 11, PAGES 292 – 294, OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS and commonly known as 914 Ranchers Club Lane, Driftwood, Texas 78640 (the “*Property*”) by virtue of that certain *General Warranty Deed with Vendor’s Lien in Favor of Third Party*, dated September 6, 2022, and recorded at Document No. 22042547 in the Official Public Records of Hays County, Texas.

The Property is located entirely within the La Ventana Subdivision, a subdivision located in Hays County, Texas, according to the map or plat thereof recorded in Volume 371, Page 109, of the Plat Records of Hays County, Texas (the “*Subdivision*”).

The Subdivision, and the lots located therein, are governed by and subject to that certain *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas, as amended from time to time (the “*Declaration*”).

The Declaration establishes Plaintiff as a property owners’ association for the Subdivision and vests it with the power, duty, and responsibility of administering and enforcing the restrictive covenants contained within the Declaration.

The Declaration prohibits owners from keeping, maintaining, or caring for poultry or fowl on the Property. **Declaration, Section 3.28**. And further provides that the Plaintiff, through its Board of Directors, is entitled to enforce the Declaration. **Declaration, Section 3.4**.

Defendants house approximately seventeen (17) fowl on the Property. Plaintiff has notified Defendants that housing numerous fowl on the Property is a violation of the Declaration. Defendants have requested a reasonable accommodation for housing numerous ducks on the Property. Without agreeing that Defendants are entitled to any accommodation, Plaintiff has acknowledged Defendants’ reasonable accommodation request and requested additional information regarding the non-observable disability alleged to exist and whether the numerous ducks provide therapeutic emotional support and requesting certain other information to allow the Plaintiff to properly ascertain if a reasonable accommodation was required to be made by the Fair Housing Act, or any other applicable law. Further, Plaintiff has agreed to an accommodation that, if the alleged disability exists, would be reasonable under any circumstances.

Defendants have not provided any additional requested information to Plaintiff and the numerous ducks remain on the Property in violation of the Declaration, as further supported by the *Affidavit of Michael C. Evans* attached hereto as **Exhibit A** and incorporated herein by reference.

Plaintiff filed its *Original Petition and Application for Temporary and Permanent Injunction* in this lawsuit on August 22, 2024. On August 23, 2024, citations were issued for Defendants Jakob Skelton and Stephanie Chang a/k/a Stephanie Skelton. On August 30, 2024, citations and *Plaintiff's Original Petition and Application for Temporary and Permanent Injunction* were properly served on Defendants. On October 22, 2024, Plaintiff served *Plaintiff's First Set of Discovery Requests to Defendant Jakob Skelton* and *Plaintiff's First Set of Discovery Requests to Defendant Stephanie Chang a/k/a Stephanie Skelton*. Defendants' responses were due on November 21, 2024; however, Defendants did not respond. A true and correct copy of *Plaintiff's First Set of Discovery Requests to Defendant Jakob Skelton* and a true and correct copy of *Plaintiff's First Set of Discovery Requests to Defendant Stephanie Chang a/k/a Stephanie Skelton* are attached hereto as **Exhibit B** and are incorporated herein by reference.

II.

Summary of Argument

Defendants breached the Declaration's restrictive covenants by housing numerous fowl on the Property. Plaintiff is entitled to a permanent injunction to prevent such restricted use, along with statutory damages in the amount of \$200.00 per day of violation of the Declaration, pursuant to Section 202.004 of the Texas Property Code and attorney's fees pursuant to Section 5.006 of the Texas Property Code.

III.

Legal Argument

- I. Plaintiff is entitled to judgment as a matter of law because there is no dispute of material fact.**

A party may move for summary judgment as a matter of law against an adverse party at any time after the adverse party has appeared. Tex. R. Civ. P 166a. The moving party is entitled to summary judgment as a matter of law when there is no genuine dispute of material fact. *Chavez v. Kansas City S. Ry. Co.*, 520 S.W.3d 898, 900 (Tex. 2017). An answer that is merely a general denial is not sufficient to create a genuine dispute of material fact. *See e.g., Harlingen Home Health Agency, Inc. v. Diemer*, 483 S.W.2d 551, 553 (Tex. Civ. App.-Houston [14th Dist.] 1972, no writ), *Kellum v. Pac. Nat. Fire Ins. Co.*, 360 S.W.2d 538, 541 (Tex. Civ. App.-Dallas 1962, writ ref'd n.r.e.).

Plaintiff is entitled to summary judgment because Defendants' answer was insufficient to raise a genuine dispute of material fact.

Plaintiff's evidence definitely proves that Defendants are subject to the restrictive covenants enumerated in the Declaration and that Defendants have breached those restrictive covenants. Defendants have failed to respond to discovery or otherwise raise any defense, or provide any information that would create a fact issue.

Traditionally, Texas courts have utilized the same rules of interpretation normally used in interpreting contracts to interpret restrictive covenants. A court's primary task in construing the meaning of a restrictive covenant is to determine and give effect to the parties' intent as expressed within the "four corners" of the declaration itself. *See Gulf Ins. Co. v. Burns Motors, Inc.*, 22 S.W. 3d417 (Tex. 2000), *Luckel v. White*, 819 S.W. 2d 459, 461-63 (Tex. 1991).

The elements of breach of contract in Texas are well established. They are:

- (1) There is a valid, enforceable contract;
- (2) The plaintiff performed or was excused from performing its contractual obligations;
- (3) The defendant breached the contract; and
- (4) The defendant's breach caused the plaintiff injury.

Valero Mktg. & Sup. Co. v. Kalama Int'l, 51 S.W. 3d 345, 351 (Tex.App.-Houston [1st Dist.] 2001, no pet.).

Plaintiff has proven each element. The Restrictive Covenants outlined in the Declaration are a valid contract that binds Plaintiff and Defendants. Plaintiff has fulfilled its obligations under the Declaration. The Defendants have breached the restrictive covenants by continuing to house numerous ducks on the Property. *See **Exhibit A***. Per the terms of the Declaration, this breach of the restrictive covenants is an injury for which the Plaintiff is entitled recover. Further, Defendants admitted to the action. *See **Exhibit B***.

a. Defendants are bound by the restrictive covenants outlined in the Declaration.

Defendants are subject to the restrictive covenants enumerated in the Declaration. Defendants own the Property, which is governed by the Declaration. Defendants had notice that the Property came with restrictive covenants at the time of the purchase of the Property, and therefore agreed to be bound by the restrictive covenants contained in the Declaration when the Defendants purchased the Property. Further, Defendants admitted to this fact. *See **Exhibit B***.

b. The restrictive covenants in the Declaration prohibit keeping, maintaining, or caring for poultry or fowl on the Property.

Article III, Section 3.28 of the Declaration provides in pertinent part that:

“3.28. Animals-Household Pets. No animals, including pigs, poultry, fowl, wild animals, cattle, sheep, goats or any other type of animal not considered to be a domestic household pet within the ordinary meaning and interpretation of such words may be kept, maintained or cared for on the Property, except for animals, including horses, subject to Section 3.54, longhorn cattle, llamas and other livestock and wildlife that Declarant or the Association determines to own and raise and/or manage on the Common Area....” **Declaration, Section 3.28.**

Despite the provisions of the Declaration indicated above, Defendants have continued to violate the Declaration. Under standard methods of contractual interpretation, Defendants have clearly breached the Declaration. Further, Defendants admitted to this fact. *See* **Exhibit B**.

II. Plaintiff has complied with all requirements for enforcement of a restrictive covenant and its entitled injunctive relief.

a. Plaintiff has complied with the requirements to enforce a restrictive covenant.

The Declaration grants Plaintiff the power, duty, and responsibility of administering and enforcing the restrictive covenants contained within the Declaration. The Declaration expressly grants Plaintiff the authority to enforce the covenants contained therein by action at law or equity.

III. Defendants' reasonable accommodation request does not create a genuine dispute of material fact and therefore does not negate Plaintiff's entitlement to judgment as a matter of law.

Without ascertaining if a reasonable accommodation was required to be made under the Fair Housing Act, or any other applicable law, Plaintiff made a reasonable accommodation offer to Defendants on or about September 20, 2024, in which Plaintiff offered to allow Defendants to house two (2) ducks on the Property. A true and correct copy of the Reasonable Accommodation Offer (the "*Offer*") is attached hereto as **Exhibit C** and incorporated by reference. Further, Defendants admitted to receiving the Offer. *See* **Exhibit B**.

Defendants did not respond to the Offer and have provided no evidence that Defendants' reasonable accommodation request requires more than two fowl on the Property, which Plaintiff has agreed to allow. Accordingly, the housing of fowl on the Property is a direct violation of the restrictive covenants of the Declaration. As such, Defendants should be permanently enjoined from housing fowl on the Property. Defendants have no evidence to suggest that the Offer was anything other than reasonable.

IV.
Statutory Damages

Plaintiff is entitled to statutory damages under Section 202.004 of the Texas Property Code. Such amount is \$200 per day of violation of the Declaration beginning from at least March 2024 through date of final judgment. See **Exhibit A**. As such Defendant has been in violation for no less than 270 days, meaning that Plaintiff is entitled to no less than \$54,000 in statutory damages.

V.
Attorney's Fees

Plaintiff is entitled to recover its attorney's fees incurred in the prosecution of this claim. Such amount is \$10,991.44, as shown in the *Affidavit of Adam Pugh*, attached hereto as **Exhibit D** and made a part hereof. The Declaration provides that Plaintiff is entitled to recover this amount.

VI.
Conclusion

The elements of breach of restrictive covenant have been met and there is no genuine question of material fact. This Court should grant Plaintiff's Motion for Summary Judgment on the issue of breach of restrictive covenant.

VII.
Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Court enter a summary judgment on the issues indicated above for Plaintiff against Defendants Jakob Skelton and Stephanie Chang a/k/a Stephanie Skelton, in the amount of not less than \$54,000.00, costs of court, attorney's fees, as well as pre-judgment and post-judgment interest, all in accordance with the law.

Respectfully submitted,

CAGLE PUGH

By: /s/ Adam Pugh
Adam Pugh
Texas Bar No. 24044341
Marla Jones
Texas Bar No. 24046174
4301 Westbank Dr., Suite A150
Austin, Texas 78746
Telephone: (737) 261-0600
Fax: (737) 261-0637
adam.pugh@caglepugh.com
marla.jones@caglepugh.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

By my signature, this is to certify that a copy of the foregoing document was served on Defendants by delivering a true and correct copy through the Court's e-filing system, on this the 9th day of January 2025, as follows:

Melissa Carr
DUBOIS BRYANT & CAMPBELL
303 Colorado, Suite 2300
Austin, Texas 78701

Via e-Service: mcarr@dbcllp.com

/s/ Adam Pugh
Adam Pugh

EXHIBIT

A

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,

Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,

Defendants.

§ IN THE COUNTY COURT

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AT LAW NO. 1

HAYS COUNTY, TEXAS

AFFIDAVIT OF MICHAEL C. EVANS

BEFORE ME, the undersigned authority, on this day, personally appeared Michael C. Evans, who after being duly sworn by me upon oath, deposed and stated:

1. "My name is Michael C. Evans. I am over twenty-one (21) years of age and competent to make this affidavit, which is based upon my personal knowledge and experience.
2. I am the acting president on the Board of Directors for the La Ventana Ranch Owners Association, Inc., Plaintiff in this matter, and I am authorized to make this Declaration on behalf of La Ventana Ranch Owners Association, Inc.
3. I am a custodian of the records for La Ventana Ranch Owners Association, Inc. (the "*Association*"). The *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas, as amended from time to time (the "*Declaration*") referenced in *Plaintiff's Motion for Summary Judgment* and included as Exhibit A to *Plaintiff's Original Petition and Application for Temporary and Permanent Injunction* (the "*Petition*"), is a true and correct copy of the same. Pursuant to the restrictive covenants outlined in the Declaration, when Defendants began housing ducks on the Property made subject to this suit, Defendants breached the restrictive covenants, specifically Section 3.28 of the Declaration.
4. Defendants breach of the Declaration was continuous between March, 2024 until the date of this Affidavit. I have personally witnessed ducks present on the Defendants'

property within the subdivision, which is subject to the Declaration, since at least that date. Defendants have continued to keep ducks on their property in the subdivision continuously since that time, and have made no efforts to remove the ducks. The ducks are a violation of the Declaration.

5. The records are maintained by the Association in the regular course of business, and it was in the regular course of business for an employee or representative of the Association, with knowledge of the act, event, condition, opinion or diagnosis, recorded to make the record or transmit information thereof to be included in such records, and the records were made at or near the time or reasonably soon thereafter. The records attached to the Petition and to this Pleading are exact duplicates of the originals and are hereby incorporated herein for all purposes.”

FURTHER AFFIANT SAYETH NAUGHT.



Michael C. Evans

STATE OF TEXAS

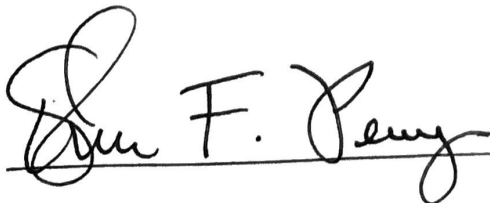
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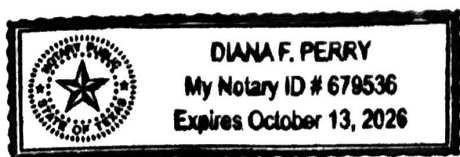
COUNTY OF HAYS

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This instrument was acknowledged before me on this the 28 day of DECEMBER 2024 by Michael C. Evans for the purposes therein expressed.



Notary Public, State of Texas



EXHIBIT

B

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,
Defendants.

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IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS
TO DEFENDANT JAKOB SKELTON**

TO: Jakob Skelton, by and through his attorney of record Michael Clardy at MACGEORGE LAW FIRM, PLLC, 701 Tillery Street, Suite 12, Austin, Texas 78702 via e-filing service and email to mclardy@jlm-law.com.

Pursuant to Rule 194, 196, 197 and 198 of the Texas Rules of Civil Procedure, Plaintiff La Ventana Ranch Owners Association, Inc. serves this First Set of Request for Admissions, First Set of Interrogatories and First Set of Requests for Production ("Requests") to Defendant Jakob Skelton, to be answered fully in writing no later than thirty (30) days from the date of service. These Requests are continuing and require seasonable supplementation pursuant to Rule 193.5 of the Texas Rules of Civil Procedure. All responses to these requests, including all documents, are requested to be produced to Plaintiff at the law offices of CAGLE PUGH, 4301 Westbank Drive, Building A, Suite 150, Austin, Texas 78746.

Respectfully submitted,

CAGLE PUGH

By: /s/ Adam Pugh
Adam Pugh
Texas Bar No. 24044341
4301 Westbank Dr., Suite A150
Austin, Texas 78746
Telephone: (737) 261-0600
Fax: (737) 261-0637
adam.pugh@caglepugh.com
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was delivered by the method indicated below in accordance with the Texas Rules of Civil Procedure on this the 22nd day of October 2024, to the following:

Michael Padden Clardy
MACGEORGE LAW FIRM, PLLC
701 Tillery Street, Suite 12
Austin, Texas 78702
Attorneys for Defendants

Via E-Mail mclardy@jlm-law.com and E-Service

/s/Adam Pugh
Adam Pugh

DEFINITIONS AND INSTRUCTIONS

1. The “Plaintiff” shall refer to Plaintiff La Ventana Ranch Owners Association, Inc., as well as any director, officer, employee, agent, attorney, accountant, or any other representative of or person or entity controlled by Plaintiff.
2. The “You,” “Your,” or “Defendant” shall refer to Defendant Jakob Skelton, as well as any director, officer, employee, agent, attorney, accountant, or any other representative of or person or entity controlled by Defendant.
3. The “Property” shall refer to the La Ventana Ranch Subdivision, including all phases annexed into the Subdivision, in Hays County, Texas.
4. “This Action” or “this Lawsuit” refers to the litigation in the Court and cause caption of this document.
5. “Person” shall include the plural as well as the singular and shall include any natural person, firm, association, partnership, corporation, or other form of legal entity. Any reference to any person shall refer to any director, officer, employee, agent, attorney, accountant, or any other representative of such person.
6. “Document” shall mean and include all written, graphic or otherwise recorded matter, however produced or reproduced, pertaining in any manner to the subject matter indicated, and includes, without limiting the generality of the foregoing, all originals, copies, non-identical copies (or copies different from the originals due to notes made on such copies or because of indications that such copies were sent to different individuals than the original or different for any other reason) and drafts of all:
 - (A) Statements, reports, notes, memoranda, forms;
 - (B) Diaries, calendars, appointment books, telephone slips;
 - (C) Records, transcripts, computer printouts, recordings, and memoranda of events;
 - (D) Correspondence, including letters, intra-office communications and memoranda, telegrams, e-mails, facsimile transmissions, teletype messages, cables; and
 - (E) Ledgers, books of account, invoices, bills, expenses account reports, vouchers, and statements.
7. “Communications” shall mean and include any contact between two or more person, including but not limited to written contact by letter, memorandum, telegram, telex, e-mail, facsimile transmission or otherwise, and oral contact in face-to-face meetings, telephone conversations or otherwise.
8. Your answers are to include all information known or available to You, Your attorneys, any consultants, expert witnesses, investigators retained by You or retained to act on Your behalf, and anybody subject to Your control or in Your employment.

9. Whenever a Request calls for the Production of a document, film or recording that was, but is no longer, in Your possession or subject to Your control, state what disposition was made of it, and state the identity of the person, if any, with present custody of such material.
10. A request for any document “regarding” any subject, “relating to” any subject, or which “relates” or “refers” to any subject shall be deemed to include all documents and information which deal with, discuss, mention, concern, analyze, relate, or refer in any way whatsoever, either directly or indirectly, to that subject.
11. All responses shall be separately numbered and identified to correspond with these Requests and Interrogatories.

FIRST SET OF REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640 is subject to that certain *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Please admit You keep ducks on the real property identified in Number 1 above.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Please admit You have kept no less than 17 ducks on the property identified in Number 1 above.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Please admit You have not requested a reasonable accommodation from the Plaintiff for any particular condition for yourself.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Please admit You received the letter dated September 20, 2024, from the undersigned offering an accommodation for your wife.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Please admit the accommodation offered by the Plaintiff is reasonable.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Please admit You have failed to respond to the Plaintiff's September 20, 2024, offer of an accommodation.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least June 20, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 9: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least January 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least February 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 11: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 12: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least April 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 13: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least May 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 14: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2023.

RESPONSE:

REQUEST FOR ADMISSION NO. 15: Please admit that You have sold eggs laid by Your ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 16: Please admit that Your ducks are not service animals as that term is used pursuant to the Fair Housing Act.

RESPONSE:

REQUEST FOR ADMISSION NO. 17: Please admit that Your ducks are not service animals under any theory You have asserted in this cause.

RESPONSE:

REQUEST FOR ADMISSION NO. 18: Please admit that Your ducks do not do work or tasks directly related to Your wife's disability.

RESPONSE:

REQUEST FOR ADMISSION NO. 19: Please admit that You have failed to provide any information that reasonably supports that Your wife has a disability.

RESPONSE:

REQUEST FOR ADMISSION NO. 20: Please admit that the only document that You have provided the Plaintiff with regard to Your wife's disability is a letter dated June 25, 2024, from Cherissa R. McConnell.

RESPONSE:

REQUEST FOR ADMISSION NO. 21: Please admit that Your wife has never met with Cherissa R. McConnell in person.

RESPONSE:

REQUEST FOR ADMISSION NO. 22: Please admit that Your wife has never met with Cherissa R. McConnell in the presence of Your ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 23: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your wife's disability requires her to have multiple ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 24: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your wife's disability requires her to have 17 ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 25: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your wife's disability requires her to have an animal not commonly kept in households.

RESPONSE:

REQUEST FOR ADMISSION NO. 26: Please admit that neither Cherissa R. McConnell, nor any other professional treating Your wife, has ever opined that Your ducks must be kept outside.

RESPONSE:

REQUEST FOR ADMISSION NO. 27: Please admit that ducks are not commonly kept in households.

RESPONSE:

REQUEST FOR ADMISSION NO. 28: Please admit that You have failed to provide any information to Plaintiff that would explain why Your wife cannot utilize an animal commonly kept in households as an emotional support animal.

RESPONSE:

FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, telephone, facsimile, and e-mail address of the person (not his/her attorney) who is answering these interrogatories on behalf of Defendant or assisting in answering the interrogatories on behalf of Defendant.

RESPONSE:

INTERROGATORY NO. 2: Please provide a list of the name, address, telephone, facsimile, and e-mail address of all persons You intend to call to testify at trial together with a brief statement of what that testimony will consist of.

RESPONSE:

INTERROGATORY NO. 3: How many ducks presently are kept on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE:

INTERROGATORY NO. 4: What was the first date you had ducks on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE:

INTERROGATORY NO. 5: What animals has Your wife attempted to use as emotional support animals other than ducks?

RESPONSE:

INTERROGATORY NO. 6: What disability does Your wife have that necessitates the use of ducks as emotional support animals?

RESPONSE:

INTERROGATORY NO. 7: When was Your wife first diagnosed with this disability?

RESPONSE:

INTERROGATORY NO. 8: Who diagnosed Your wife with the disability identified in Number 6 above?

RESPONSE:

INTERROGATORY NO. 9: Why have You failed to respond to the Plaintiff's offer of accommodation to Your wife?

RESPONSE:

INTERROGATORY NO. 10: Please identify all communications with any party regarding the dispute made the subject of this lawsuit.

RESPONSE:

INTERROGATORY NO. 11: If you contend that the accommodation offered by Plaintiff on September 20, 2024, is not reasonable, please identify all of the reasons why it is unreasonable.

RESPONSE:

INTERROGATORY NO. 12: Please identify any and all trade names, assumed names, or entities that You have utilized in the sales and marketing of duck eggs.

RESPONSE:

INTERROGATORY NO. 13: If Your response to **any** Request for Admission was denied, please identify same and state the legal and/or factual basis for Your contention.

RESPONSE:

INTERROGATORY NO. 14: Please identify any and all documents submitted to the Plaintiff with respect to the structure You constructed on Your property for housing Your ducks.

RESPONSE:

INTERROGATORY NO. 15: Who constructed the structure located on Your property utilized for housing Your ducks?

RESPONSE:

INTERROGATORY NO. 16: When was Your wife diagnosed with the disability identified in Number 6 above?

RESPONSE:

FIRST REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all communication You have had with Plaintiff regarding the dispute made the subject of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents evidencing any possible claim for attorney fees, including invoices, bills, and/or fee agreements.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce any and all communications between You and any party regarding Your wife's disability or her need for ducks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all communications between You and any party regarding the dispute made the subject of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce any and all communications You have had with any party regarding the sale of duck eggs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce any and all documents evidencing Your wife's disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce any and all communications between You and any party regarding Your purchase of ducks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents which evidence, mention, refer to, or describe any statements made by any person with knowledge of relevant facts in this cause, concerning the facts and allegations asserted by any party in this cause.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce any and all documents which You intend to use in the trial of this cause.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce all non-privileged documents that were reviewed or relied upon in answering the First Set of Request for Admissions and/or the First Set of Interrogatories which were served contemporaneously with this Request for Production of Documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce any and all witness statements, made at any time whatsoever, by any persons having knowledge of any facts, conditions or events which are relevant to the matters, events, or conditions in controversy in this suit and which are not privileged.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: For each person, firm or corporation whom You intend to call to testify as an expert witness on Your behalf during this Lawsuit, either by live testimony or by deposition testimony, please produce copies of all CV's or resumes and all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such expert witness, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to any person, firm or corporation who will or may be called as an expert witness during the course of this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: For each consulting expert whose opinions or impressions were or will be reviewed by any testifying expert, please produce all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such consulting expert, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to such consulting expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which You intend to offer into evidence at the trial of this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which may be used as demonstrative evidence at trial of this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce any and all documents forming a basis for or relevant to any claim, defense, or contention asserted by You in reference to this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce any and all documents identified in response to Plaintiff's Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce any and all documents or records which support or otherwise substantiate Your denial of Plaintiff's claims and allegations in this lawsuit.

RESPONSE:

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,

Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,

Defendants.

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IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

**PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS
TO DEFENDANT STEPHANIE CHANG A/K/A STEPHANIE SKELTON**

TO: Stephanie Chang a/k/a Stephanie Skelton, by and through her attorney of record Michael Clardy at MACGEORGE LAW FIRM, PLLC, 701 Tillery Street, Suite 12, Austin, Texas 78702 via e-filing service and email to mclardy@jlm-law.com.

Pursuant to Rule 194, 196, 197 and 198 of the Texas Rules of Civil Procedure, Plaintiff La Ventana Ranch Owners Association, Inc. serves this First Set of Request for Admissions, First Set of Interrogatories and First Set of Requests for Production ("Requests") to Defendant Stephanie Chang a/k/a Stephanie Skelton, to be answered fully in writing no later than thirty (30) days from the date of service. These Requests are continuing and require seasonable supplementation pursuant to Rule 193.5 of the Texas Rules of Civil Procedure. All responses to these requests, including all documents, are requested to be produced to Plaintiff at the law offices of CAGLE PUGH, 4301 Westbank Drive, Building A, Suite 150, Austin, Texas 78746.

Respectfully submitted,

CAGLE PUGH

By: /s/ Adam Pugh
Adam Pugh
Texas Bar No. 24044341
4301 Westbank Dr., Suite A150
Austin, Texas 78746
Telephone: (737) 261-0600
Fax: (737) 261-0637
adam.pugh@caglepugh.com
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was delivered by the method indicated below in accordance with the Texas Rules of Civil Procedure on this the 22nd day of October 2024, to the following:

Michael Padden Clardy
MACGEORGE LAW FIRM, PLLC
701 Tillery Street, Suite 12
Austin, Texas 78702
Attorneys for Defendants

Via E-Mail mclardy@jlm-law.com and E-Service

/s/Adam Pugh
Adam Pugh

DEFINITIONS AND INSTRUCTIONS

1. The “Plaintiff” shall refer to Plaintiff La Ventana Ranch Owners Association, Inc., as well as any director, officer, employee, agent, attorney, accountant, or any other representative of or person or entity controlled by Plaintiff.
2. The “You,” “Your,” or “Defendant” shall refer to Defendant Stephanie Chang a/k/a Stephanie Skelton, as well as any director, officer, employee, agent, attorney, accountant, or any other representative of or person or entity controlled by Defendant.
3. The “Property” shall refer to the La Ventana Ranch Subdivision, including all phases annexed into the Subdivision, in Hays County, Texas.
4. “This Action” or “this Lawsuit” refers to the litigation in the Court and cause caption of this document.
5. “Person” shall include the plural as well as the singular and shall include any natural person, firm, association, partnership, corporation, or other form of legal entity. Any reference to any person shall refer to any director, officer, employee, agent, attorney, accountant, or any other representative of such person.
6. “Document” shall mean and include all written, graphic or otherwise recorded matter, however produced or reproduced, pertaining in any manner to the subject matter indicated, and includes, without limiting the generality of the foregoing, all originals, copies, non-identical copies (or copies different from the originals due to notes made on such copies or because of indications that such copies were sent to different individuals than the original or different for any other reason) and drafts of all:
 - (A) Statements, reports, notes, memoranda, forms;
 - (B) Diaries, calendars, appointment books, telephone slips;
 - (C) Records, transcripts, computer printouts, recordings, and memoranda of events;
 - (D) Correspondence, including letters, intra-office communications and memoranda, telegrams, e-mails, facsimile transmissions, teletype messages, cables; and
 - (E) Ledgers, books of account, invoices, bills, expenses account reports, vouchers, and statements.
7. “Communications” shall mean and include any contact between two or more person, including but not limited to written contact by letter, memorandum, telegram, telex, e-mail, facsimile transmission or otherwise, and oral contact in face-to-face meetings, telephone conversations or otherwise.
8. Your answers are to include all information known or available to You, Your attorneys, any consultants, expert witnesses, investigators retained by You or retained to act on Your behalf, and anybody subject to Your control or in Your employment.

9. Whenever a Request calls for the Production of a document, film or recording that was, but is no longer, in Your possession or subject to Your control, state what disposition was made of it, and state the identity of the person, if any, with present custody of such material.
10. A request for any document “regarding” any subject, “relating to” any subject, or which “relates” or “refers” to any subject shall be deemed to include all documents and information which deal with, discuss, mention, concern, analyze, relate, or refer in any way whatsoever, either directly or indirectly, to that subject.
11. All responses shall be separately numbered and identified to correspond with these Requests and Interrogatories.

FIRST SET OF REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640 is subject to that certain *Third Amended Declaration of Covenants, Conditions and Restrictions for La Ventana*, recorded at Document No. 02026515 in the Official Public Records of Hays County, Texas.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Please admit You keep ducks on the real property identified in Number 1 above.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Please admit You have kept no less than 17 ducks on the property identified in Number 1 above.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Please admit You have requested a reasonable accommodation from the Plaintiff for yourself only.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Please admit You received the letter dated September 20, 2024, from the undersigned offering an accommodation for You.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Please admit the accommodation offered by the Plaintiff is reasonable.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Please admit You have failed to respond to the Plaintiff's September 20, 2024, offer of an accommodation.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least June 20, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 9: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least January 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least February 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 11: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 12: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least April 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 13: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least May 1, 2024.

RESPONSE:

REQUEST FOR ADMISSION NO. 14: Please admit that You have kept ducks on Your property identified in Number 1 above continuously since at least March 1, 2023.

RESPONSE:

REQUEST FOR ADMISSION NO. 15: Please admit that You have sold eggs laid by Your ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 16: Please admit that Your ducks are not service animals as that term is used pursuant to the Fair Housing Act.

RESPONSE:

REQUEST FOR ADMISSION NO. 17: Please admit that Your ducks are not service animals under any theory You have asserted in this cause.

RESPONSE:

REQUEST FOR ADMISSION NO. 18: Please admit that Your ducks do not do work or tasks directly related to Your disability.

RESPONSE:

REQUEST FOR ADMISSION NO. 19: Please admit that You have failed to provide any information that reasonably supports that Your assertion that You have a disability.

RESPONSE:

REQUEST FOR ADMISSION NO. 20: Please admit that the only document that You have provided the Plaintiff with regard to Your disability is a letter dated June 25, 2024, from Cherissa R. McConnell.

RESPONSE:

REQUEST FOR ADMISSION NO. 21: Please admit that You have never met with Cherissa R. McConnell in person.

RESPONSE:

REQUEST FOR ADMISSION NO. 22: Please admit that You have never met with Cherissa R. McConnell in the presence of Your ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 23: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your disability requires You to have multiple ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 24: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your disability requires You to have 17 ducks.

RESPONSE:

REQUEST FOR ADMISSION NO. 25: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your disability requires You to have an animal or animals that are not commonly kept in households.

RESPONSE:

REQUEST FOR ADMISSION NO. 26: Please admit that neither Cherissa R. McConnell, nor any other professional treating You, has ever opined that Your ducks must be kept outside.

RESPONSE:

REQUEST FOR ADMISSION NO. 27: Please admit that ducks are not commonly kept in households.

RESPONSE:

REQUEST FOR ADMISSION NO. 28: Please admit that You have failed to provide any information to Plaintiff that would explain why You cannot utilize an animal commonly kept in households as an emotional support animal.

RESPONSE:

FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, telephone, facsimile, and e-mail address of the person (not his/her attorney) who is answering these interrogatories on behalf of Defendant or assisting in answering the interrogatories on behalf of Defendant.

RESPONSE:

INTERROGATORY NO. 2: Please provide a list of the name, address, telephone, facsimile, and e-mail address of all persons You intend to call to testify at trial together with a brief statement of what that testimony will consist of.

RESPONSE:

INTERROGATORY NO. 3: How many ducks presently are kept on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE:

INTERROGATORY NO. 4: What was the first date you had ducks on Your property located at 914 Ranchers Club Lane, Driftwood, Texas 78640?

RESPONSE:

INTERROGATORY NO. 5: What animals have You attempted to use as emotional support animals other than ducks?

RESPONSE:

INTERROGATORY NO. 6: What disability do You have that necessitates the use of ducks as emotional support animals?

RESPONSE:

INTERROGATORY NO. 7: When were You first diagnosed with this disability?

RESPONSE:

INTERROGATORY NO. 8: Who diagnosed You with the disability identified in Number 6 above?

RESPONSE:

INTERROGATORY NO. 9: Why have You failed to respond to the Plaintiff's offer of accommodation to You?

RESPONSE:

INTERROGATORY NO. 10: Please identify all communications with any party regarding the dispute made the subject of this lawsuit.

RESPONSE:

INTERROGATORY NO. 11: If you contend that the accommodation offered by Plaintiff on September 20, 2024, is not reasonable, please identify all of the reasons why it is unreasonable.

RESPONSE:

INTERROGATORY NO. 12: Please identify any and all trade names, assumed names, or entities that You have utilized in the sales and marketing of duck eggs.

RESPONSE:

INTERROGATORY NO. 13: If Your response to **any** Request for Admission was denied, please identify same and state the legal and/or factual basis for Your contention.

RESPONSE:

INTERROGATORY NO. 14: Please identify any and all documents submitted to the Plaintiff with respect to the structure You constructed on Your property for housing Your ducks.

RESPONSE:

INTERROGATORY NO. 15: Who constructed the structure located on Your property utilized for housing Your ducks?

RESPONSE:

INTERROGATORY NO. 16: When were You diagnosed with the disability identified in Number 6 above?

RESPONSE:

INTERROGATORY NO. 17: What is Your legal name?

RESPONSE:

INTERROGATORY NO. 18: What name would You prefer Plaintiff used when referring to You in this lawsuit?

RESPONSE:

FIRST REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all communication You have had with Plaintiff regarding the dispute made the subject of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents evidencing any possible claim for attorney fees, including invoices, bills, and/or fee agreements.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce any and all communications between You and any party regarding Your disability or Your need for ducks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all communications between You and any party regarding the dispute made the subject of this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce any and all communications You have had with any party regarding the sale of duck eggs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce any and all documents evidencing Your disability.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce any and all communications between You and any party regarding Your purchase of ducks.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents which evidence, mention, refer to, or describe any statements made by any person with knowledge of relevant facts in this cause, concerning the facts and allegations asserted by any party in this cause.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce any and all documents which You intend to use in the trial of this cause.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce all non-privileged documents that were reviewed or relied upon in answering the First Set of Request for Admissions and/or the First Set of Interrogatories which were served contemporaneously with this Request for Production of Documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce any and all witness statements, made at any time whatsoever, by any persons having knowledge of any facts, conditions or events which are relevant to the matters, events, or conditions in controversy in this suit and which are not privileged.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: For each person, firm or corporation whom You intend to call to testify as an expert witness on Your behalf during this Lawsuit, either by live testimony or by deposition testimony, please produce copies of all CV's or resumes and all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such expert witness, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to any person, firm or corporation who will or may be called as an expert witness during the course of this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: For each consulting expert whose opinions or impressions were or will be reviewed by any testifying expert, please produce all reports and writings setting forth any factual observations, tests, calculations, photographs, opinions and/or basis for opinions of each such consulting expert, including all documents, records, photographs and any and all written materials of any kind whatsoever which have been provided to such consulting expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which You intend to offer into evidence at the trial of this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please produce any and all documents whose production has not been requested pursuant to any other item of this request which may be used as demonstrative evidence at trial of this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce any and all documents forming a basis for or relevant to any claim, defense, or contention asserted by You in reference to this Lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce any and all documents identified in response to Plaintiff's Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce any and all documents or records which support or otherwise substantiate Your denial of Plaintiff's claims and allegations in this lawsuit.

RESPONSE:

EXHIBIT
C



Adam Pugh
e-mail: adam.pugh@caglepugh.com

www.caglepugh.com

September 20, 2024

Jakob Skelton
914 Ranchers Club Lane
Driftwood, Texas 78619

Via First-Class & CMRRR:
9314 8699 0430 0126 2249 57
Via Email: skeltonjakob@gmail.com

Stephanie Skelton
914 Ranchers Club Lane
Driftwood, Texas 78619

Via First-Class & CMRRR:
9314 8699 0430 0126 2249 95

RE: La Ventana Ranch Owners Association, Inc. – Reasonable Accommodation Offer

Dear Mr. and Mrs. Skelton:

This letter shall serve as La Ventana Ranch Owners Association, Inc.'s (the "**Association**") attempt to provide a reasonable accommodation to you and your family. Please note that the Association has not received from you the information required to reasonably support that the ducks do work, performs tasks, provides assistance, and/or provide therapeutic emotional support with respect to the individual's disability, as requested. Accordingly, the Association is NOT required to provide an accommodation at this time.

Since ducks are not commonly kept as household pets, the Association is not required to allow you to keep them without more information. However, in the interest of reaching a compromise, and because the Association is assuming that such information will hopefully, eventually be provided, the Association wishes to offer a reasonable accommodation.

The Association, in full compliance with all applicable State and Federal laws, will provide the following reasonable accommodation:

- The Skelton family will be permitted to keep up to two (2) ducks on the property, locally known as 914 Ranchers Club Lane, Driftwood, Texas 78640 (the "**Property**") provided that such ducks are housed inside the main dwelling on the property.
- The ducks will be permitted to be outside the main dwelling on the property up to two (2) times a day for a maximum amount of time not to exceed two (2) hours outside the main dwelling on the property.

Please confirm through the undersigned counsel that the reasonable accommodation satisfies the needs of the Skelton family at your earliest convenience.

Sincerely,

CAGLE PUGH

A handwritten signature in blue ink, appearing to read 'Adam Pugh', is written over the printed name.

Adam Pugh

EXHIBIT
D

NO. 24-0753-C

LA VENTANA RANCH OWNERS
ASSOCIATION, INC.,
Plaintiff,

v.

JAKOB SKELTON AND STEPHANIE
CHANG A/K/A STEPHANIE SKELTON,
Defendants.

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IN THE COUNTY COURT

AT LAW NO. 1

HAYS COUNTY, TEXAS

AFFIDAVIT OF ADAM PUGH

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Adam Pugh who, being by me duly sworn, upon oath stated:

“My name is Adam Pugh. I am over eighteen (18) years of age, of sound mind, and fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.

I am duly licensed to practice law in the State of Texas. I have continuously practiced law in the State of Texas since 2005. I have continually practiced law in Hays County since 2005.

I am a partner at Cagle Pugh (the “*Law Firm*”) and am duly authorized to make this Affidavit on behalf of the Law Firm. This Affidavit is based upon my personal knowledge and review of the fee records of the Law Firm. These records are kept by the Law Firm in the regular course of business, and it is the regular course of business of the Law Firm for an employee or representative of the Law Firm, with knowledge of the act, event, condition, option, or diagnosis recorded, to make the record or to transmit information thereof to be included in such record, and these records were made at or near the time or reasonably soon thereafter.

The Law Firm and I have represented and continue to represent Plaintiff in connection with the prosecution of its claims and causes of action against Defendants in this case. I have been specifically involved in all aspects of the prosecution and defense of Plaintiff’s claims and causes of action against Defendants since the Law Firm took over this case.

Plaintiff is entitled to recover the reasonable attorney’s fees incurred pursuant to applicable Texas law. The representation that the Law Firm and I have provided to Plaintiff, and reasonably expect to provide to Plaintiff through the entry of judgment and any appeals in this case, is consistent with the rates expressed in this affidavit and in the attached billing records. I handle a number of matters on this basis and am familiar with the nature of the services that must be performed in order to prosecute them to a final conclusion. I am familiar with the usual and

customary fees in cases of this nature in Hays County, Texas. In my opinion, the rates are reasonable, usual, and customary for the services provided. These rates are based upon, at least in part, the following factors:

- (a) The novelty and difficulty of the issue involved, the skill required to provide the legal services properly, and the experience, reputation, and expertise of the lawyer performing the services;
- (b) The time and labor involved to perform the legal services properly;
- (c) The nature and length of the professional relationship with the client;
- (d) The results obtained and the award in similar cases;
- (e) The preclusion of other employment; and
- (f) The fee customarily charged in the community for similar services.

Reasonable attorney's fees and costs in the amount of \$9,491.44 already invoiced to the client to date, are evidenced by the Law Firm's billing records attached as **Exhibit D-1**. In addition, the services which have been performed since the last invoice date or are expected to be performed before the conclusion of this case total \$1,500.00 and include preparing for, attending, and conducting hearing on Plaintiff's Motion for Summary Judgment.

The total amount of reasonable attorney's fees and court costs associated with the prosecution of this case as supported herein is \$10,991.44. In my opinion and based on my knowledge and experience in these matters, this is a reasonable amount for the necessary legal representation and service that have been and will be provided to Plaintiff through entry of judgment, and that will be reasonably necessary in order to effectuate the enforcement and collections of the judgment rendered in favor of Plaintiff in this case."

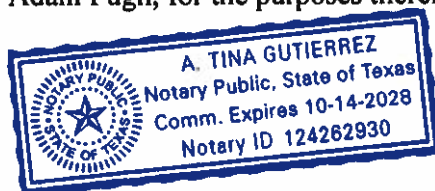
"Further Affiant sayeth not."

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 9th day of January 2025.


Adam Pugh

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was sworn and subscribed before me on this the 9th day of January 2025, by Adam Pugh, for the purposes therein expressed.




Notary Public, State of Texas

EXHIBIT

D-1

Cagle Pugh LTD, LLP

4301 Westbank Drive Suite A-150
Austin, TX 78746

(737) 261-0600

www.caglepugh.com

La Ventana Ranch Owners' Association, Inc.
PS Management
1490 Rusk Rd. Ste 301
Round Rock, TX 78665

Attention: Jon Nutter

September 03, 2024
Client: 003884
Matter: 000004
Invoice #: 77799
Resp. Atty: NAP
Page: 1

RE: Jakob Skelton; Stephanie Chang a/k/a Stephanie Skelton

For Professional Services Rendered Through August 31, 2024

SERVICES

Date	Person	Description of Services	Hours	Amount
8/20/2024	MKJ	Draft Plaintiff's Original Petition and Application for Temporary Injunction and Permanent Injunction.	2.0	\$800.00
8/27/2024	MKJ	Receive and review email from T. Marmolejo, Hays County Deputy County Clerk, regarding citations; telephone call and follow-up email with T. Marmolejo confirming receipt of citations; email correspondence to process server providing citations for service on J. Skelton and S. Skelton; update file.	0.8	\$320.00
Total Professional Services			2.8	\$1,120.00

DISBURSEMENTS

Date	Description of Disbursements	Amount
8/21/2024	Filing Fee - Original Petition	\$376.58
Total Disbursements		\$376.58

September 03, 2024
Client: 003884
Matter: 000004
Invoice #: 77799
Resp. Atty: NAP
Page: 2

Total Services	\$1,120.00	
Total Disbursements	\$376.58	
Total Current Charges		\$1,496.58

PAY THIS AMOUNT	\$1,496.58
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Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

Cagle Pugh LTD, LLP

4301 Westbank Drive Suite A-150
Austin, TX 78746

(737) 261-0600

www.caglepugh.com

La Ventana Ranch Owners' Association, Inc.
PS Management
1490 Rusk Rd. Ste 301
Round Rock, TX 78665
Attention: Jon Nutter

October 01, 2024
Client: 003884
Matter: 000004
Invoice #: 79230
Resp. Atty: NAP
Page: 1

RE: Jakob Skelton; Stephanie Chang a/k/a Stephanie Skelton

For Professional Services Rendered Through September 30, 2024

SERVICES

Date	Person	Description of Services	Hours	Amount
9/3/2024	MKJ	Receive and review correspondence from process server confirming service on J. Skelton; receive and review correspondence from process server confirming service on S. Skelton; calendar answer deadlines; email correspondence to M. Evans providing status update and answer deadline; update file.	0.4	\$160.00
9/16/2024	MKJ	Receive and review J. and S. Skelton's Notice of Pro Se Appearance, Motion for Jury Trial and Original Answer; email correspondence to M. Evans providing copies of same; update file.	0.6	\$240.00
9/17/2024	MKJ	Receive and review notices from the county clerk regarding filings by S. Skelton; update file.	0.2	\$80.00
9/18/2024	NAP	Prepare reasonable accommodation letter.	1.5	\$712.50
9/18/2024	MKJ	Draft Reasonable Accommodation Letter to J. and S. Skelton; update file.	0.7	\$280.00
9/20/2024	NAP	Telephone conference with M. Evans to discuss status and next steps.	0.4	\$190.00
9/20/2024	MKJ	Finalize and send Reasonable Accommodation Offer to the Skeltons via first-class mail, certified mail and email; email correspondence to M. Evans providing copy of same.	0.3	\$120.00
9/23/2024	MKJ	Receive and review J. and S. Skelton's Original Answer; update file.	0.4	\$160.00
9/25/2024	CEA	Review case file, begin drafting Plaintiff's First Set of Discovery.	1.7	\$561.00
Total Professional Services			6.2	\$2,503.50

DISBURSEMENTS

Date	Description of Disbursements	Amount
9/12/2024	Austin Process LLC- Service of Process- Inv. 2024007623 J. Skelton	\$143.10
9/20/2024	Postage	\$17.66
	Total Disbursements	\$160.76
	Total Services	\$2,503.50
	Total Disbursements	\$160.76
	Total Current Charges	\$2,664.26

PAY THIS AMOUNT

\$2,664.26

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

Cagle Pugh LTD, LLP

4301 Westbank Drive Suite A-150
Austin, TX 78746

(737) 261-0600

www.caglepugh.com

La Ventana Ranch Owners' Association, Inc.
PS Management
1490 Rusk Rd. Ste 301
Round Rock, TX 78665
Attention: Jon Nutter

November 01, 2024
Client: 003884
Matter: 000004
Invoice #: 81169
Resp. Atty: NAP
Page: 1

RE: Jakob Skelton; Stephanie Chang a/k/a Stephanie Skelton

For Professional Services Rendered Through October 31, 2024

SERVICES

Date	Person	Description of Services	Hours	Amount
10/18/2024	NAP	Review Application for TRO emailed from Skelton; respond via email.	1.4	\$665.00
10/21/2024	NAP	Review Defendants' Original Answer and Affirmative Defenses; review HUD guidance on emotional support animals; prepare Plaintiff's Requests for Discovery to both Defendants.	2.4	\$1,140.00
10/22/2024	MKJ	Finalize and serve Plaintiff's First Set of Discovery to J. Skelton; Finalize and serve Plaintiff's First Set of Discovery to S. Chang a/k/a S. Skelton; calendar response deadlines; update file.	0.6	\$180.00
10/24/2024	MKJ	Receive and review J. and S. Skelton's Counsels' Motion to Withdraw and corresponding proposed order; update file.	0.2	\$60.00
10/26/2024	MKJ	Receive and review Affidavit of Service for S. Chang a/k/a S. Skelton; update file.	0.2	\$80.00
Total Professional Services			4.8	\$2,125.00

DISBURSEMENTS

Date	Description of Disbursements	Amount
9/20/2024	Austin Process LLC- Service of Process- Inv. 2024007624 - S. Chang aka S.. Skelton	\$143.10
Total Disbursements		\$143.10

November 01, 2024
Client: 003884
Matter: 000004
Invoice #: 81169
Resp. Atty: NAP
Page: 2

Total Services	\$2,125.00	
Total Disbursements	\$143.10	
Total Current Charges		\$2,268.10

PAY THIS AMOUNT	\$2,268.10
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Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

Cagle Pugh LTD, LLP

4301 Westbank Drive Suite A-150
Austin, TX 78746

(737) 261-0600

www.caglepugh.com

La Ventana Ranch Owners' Association, Inc.
PS Management
1490 Rusk Rd. Ste 301
Round Rock, TX 78665
Attention: Jon Nutter

December 03, 2024
Client: 003884
Matter: 000004
Invoice #: 83315
Resp. Atty: NAP
Page: 1

RE: Jakob Skelton; Stephanie Chang a/k/a Stephanie Skelton

For Professional Services Rendered Through November 30, 2024

SERVICES

Date	Person	Description of Services	Hours	Amount
11/12/2024	NAP	Telephone conference with M. Carr to discuss resolution.	0.6	\$285.00
11/13/2024	NAP	Prepare Rule 11 Agreement and transmit to client for approval.	0.6	\$285.00
11/13/2024	MKJ	Draft Rule 11 Agreement regarding resolution and abatement; update file.	0.4	\$120.00
11/15/2024	NAP	Telephone conference with board member to discuss potential resolution.	0.5	\$237.50
Total Professional Services			2.1	\$927.50
Total Services			\$927.50	
Total Current Charges				\$927.50

PAY THIS AMOUNT

\$927.50

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

Cagle Pugh LTD, LLP

4301 Westbank Drive Suite A-150
Austin, TX 78746

(737) 261-0600

www.caglepugh.com

La Ventana Ranch Owners' Association, Inc.
PS Management
1490 Rusk Rd. Ste 301
Round Rock, TX 78665
Attention: Jon Nutter

January 03, 2025
Client: 003884
Matter: 000004
Invoice #: 85308
Resp. Atty: NAP
Page: 1

RE: Jakob Skelton; Stephanie Chang a/k/a Stephanie Skelton

For Professional Services Rendered Through December 31, 2024

SERVICES

Date	Person	Description of Services	Hours	Amount
12/17/2024	NAP	Review and revise Plaintiff's Motion for Summary Judgment and attendant affidavits.	1.8	\$855.00
12/17/2024	MKJ	Review pleadings and discovery; gather documents to be used as exhibits; draft motion for summary judgment; update file.	3.0	\$1,200.00
12/17/2024	MKJ	Receive and review Notice of Appearance; update file.	0.2	\$80.00
Total Professional Services			5.0	\$2,135.00
Total Services				\$2,135.00
Total Current Charges				\$2,135.00

PAY THIS AMOUNT

\$2,135.00

Trust Balance

\$561.00

Due Upon Receipt. Please include the invoice number on all remittance. Thank you.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Marla Jones on behalf of Nicholas Pugh

Bar No. 24044341

marla.jones@caglepugh.com

Envelope ID: 96058844

Filing Code Description: Plaintiff's Motion

Filing Description: Plaintiff's Motion for Summary Judgment

Status as of 1/10/2025 7:34 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Adam Pugh		adam.pugh@caglepugh.com	1/9/2025 5:16:39 PM	SENT
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Penny Smith		penny.smith@caglepugh.com	1/9/2025 5:16:39 PM	SENT